

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KIMBERLY ALLEN, Personal
Representative of the ESTATE
OF TODD ALLEN, Individually,
on Behalf of the ESTATE OF
TODD ALLEN, and on Behalf of
the Minor Child PRESLEY
GRACE ALLEN,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. A04-0131 (JKS)

VIDEOTAPED DEPOSITION OF DONNA A. FEAREY

Pages 1 - 102, inclusive

Monday, April 11, 2005, 1:53 p.m.

Anchorage, Alaska

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Donna Fearey

Deposition

April 11, 2006

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1 Q. Uh-huh.

2 A. You mean the -- it -- it could be either the
3 LPN or myself.4 Q. Okay. And then let me just go through --
5 and is that typical, that the -- the -- is Pat -- let
6 me back up. Is -- is Pat Ambrose, is she a registered
7 nurse who does the triage?

8 A. Yes.

9 Q. All right. And is this typical, that --
10 that the registered nurse who is doing triage would
11 write up in that left-hand box?

12 A. Yes.

13 Q. And then that you would be doing the -- the
14 notes under "Provider, Called to Room, Seen at"?

15 A. Yes.

16 Q. All right. Has this document -- do you know
17 if these emergency visit records have changed since
18 this time, or is this pretty much the standard form?19 A. As far as I know, it's the standard. It was
20 that way in -- up till Christmas.21 Q. Okay. Okay. So let's go through it. First
22 of all, do you have an independent recollection, as
23 you sit here, of this visit?

24 A. Yeah.

25 Q. What -- what do you remember?

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1 A. Do -- do you want me just to tell you
2 every --3 Q. I'm curious, as you sit here, what --
4 everything that you remember. What's your independent
5 recollection?6 A. I remember walking in the room, and he was
7 sitting on the exam table. And a woman - I assume
8 that's Mrs. Allen - was sitting at the -- there's an
9 area for other people to sit in the room. And I
10 remember him telling me that he had drove from Valdez
11 the day before; and when he was going through the pass
12 or the mountains, he started having increased pain on
13 his right ear. And he thought it could have been
14 related to the pressure changes of the altitude. And
15 he wanted -- and it -- and it had bothered him and he
16 wanted to know if he had an ear infection.17 Q. Anything else you remember, just -- just
18 sitting here that you independently recollect?19 A. I remember he was -- you know, he -- he did
20 not -- he was not in any distress. He was sitting
21 there very comfortably. He was very calm when he was
22 talking to me. He -- I -- he was not holding his
23 head. He wasn't -- he was sitting there very calmly.
24 He was not vomiting. He wasn't holding an emesis
25 basin.

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1 Q. He wasn't -- he wasn't holding a --

2 A. A bucket, you know, to vomit in.

3 Q. Anything else?

4 A. It was a good interaction. You know, it
5 wasn't rushed. It -- it was a very benign visit.
6 That's -- I mean, I don't remember anything beyond
7 that, I mean, specifically, I guess.8 Q. Had you seen -- do you know this patient?
9 Had you seen him before?10 A. I didn't realize I had, but I had seen him,
11 since I've looked at the records. But that was some
12 time before.13 Q. Okay. So -- but at -- at this morning,
14 you -- you had not remembered seeing him?

15 A. No. No.

16 Q. Anything -- do you remember any interaction
17 with his wife?

18 A. No. I didn't talk to her.

19 Q. Okay.

20 A. Or she didn't talk to me. I can remember
21 when they were leaving, you know, them -- you know,
22 when I was talking to him, that she was, you know,
23 with him. But I didn't talk to her and she didn't
24 talk to me.

25 Q. Okay. Anything -- anything that stands out

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1 in your mind about his wife?

2 A. Huh-uh.

3 Q. All right. So when you -- I'm trying to
4 think of you doing this without you having to read the
5 entire note again. But it says, chief complaint,
6 ear/jaw pain. And had you talked to the -- the RN who
7 had done triage on him? Or --

8 A. No.

9 Q. -- is that -- and is that pretty typical,
10 that they just --

11 A. Yeah.

12 Q. -- send -- send the patient in to you, and
13 you wouldn't necessarily interact with the triage
14 nurse about the patient?

15 A. Right.

16 Q. And it says that his pain meds -- says,
17 "pain contract," and then it says "Percocet, Valium."

18 A. Uh-huh.

19 Q. Do you -- did you have his chart, do you
20 remember?

21 A. I would have had his chart.

22 Q. If you hadn't had his chart, would there be
23 some other way for you to know that?24 A. Yeah. It would be on -- with the computer.
25 We can pull up medications.